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Embroideries up to 12 ins. in width **7c** Per Yard

Men's Suits and Overcoats 20 to 50° o

White Petticoats Values to \$1.50 98c



OREGON SUPREME COURT DECISIONS

Full Text Published by Courtesy of F. A. Turner, Reporter of the Supreme Court.

Johnson v. White, et al, Multnemah void. Upon trial the circuit coart ing to build up trade by always ad-Courty.

Johnson, respondent, v. trustees, Atlee W. Strickler, Arthur plaintiff were admitted. Wetherby for appellant. George P. | the mortgaged property. Lent for respondent. Bean, J. Af-

Decided January 9, 1912.

1 south, range 4 east, W. M., execut- closure; and no decree can be efed by defendant Arthur Stipe to fective against him unless he is of plaintiff, defendant appeals.

chased the mortgaged premises at a Rep. 712); Watts v. Julian, 122 Ind. of sale and tax deed, are not set out the mayor put an end to all discuss don last evening made it clear that tax sale for the taxes of 1904 amount- 124. The complaint, however, shows in the answer. ing to \$5.08, and for those of 1907 that defendant Wetherby claims to It is contended by defendant Weth- one else who desired to talk on a doing just right in voting for a raise upon said mortgaged premises, but Enc. of Pleading and Practice, 377; paramount to that of the mortgagor, Chief Savage who had not got in on tion before the council was the propthe same, if any exists, is subsequent Mann v. State, 116 Ind. 383; Hoes v. when set up by a defendant. in time and inferior in right to the Boyer, 108 Ind. 494. lien of plaintiff's said mortgage; that Sec. 3108 B. & C. Comp. provides contention to refer to the answer of clerk to proceed with other business, them. Councilman White expressed plaintiff tendered to Wetherby the that "all taxes which may hereafter defendant, which we think does not sum of \$29, the amount of the taxes, be lawfully imposed or levied upon set up a title paramount to the mortinterest and penalties, and deposited real property shall be and they are gagor and which is a mere claim for the same in court for that purpose.

arately, affirmatively alleging that on on which the warrant authorizing 43 Or. 357) and does not come with- installed and that it be rewired, and veto would be sustained. the 26th of December, 1905 the sher- the collection of such taxes is issued in the rule enunciated in Gennes v. a resolution was finally passed in iff of Multnomah county, Oregon, until they should be paid, or until Peterson, 54 Or. 378. duly sold to this defendant, the real the title shall rest in the purchaser By Sec. 3127, B. & C. Comp., a sher- that the city attorney be given two occupation tax. An ordinance coverestate described in plaintiff's mort- upon sale for such taxes. * * *" iff's tax deed is made prima facie rooms adjacent to he council charuing that subject will be presented to gage for delinquent taxes assessed Sec. 423, L. O. L., relating to the evidence of the regularity of the tax ber, and that the rooms be so ar-

ter in the answer, and upon the same waived this point by pleading for af- office, of the sale of 80 acres in the fourth street and Chemeketa, were in this effort every business man being overruled, replied, denying the firmative relief. of any valid deed to said proprity by not sufficient to support any title of force, provides that a warrant for a er company for cluster lights in the that unless the council passes the aw. Therefore the certificate and tio nthereof, or any teturn of sale by set out by Mr. Justice Eakin in After listening to an opinion by

found, in part, that the certificate and vising our patrons right. tax deed were void on account of the Charles A. White and Pauline M. failure of the sheriff to make such found the eczema remedy and that itch, instantly. And the cures ail

Stipe and George Wetherby, defen- Bean J. Upon this appeal defendants. George Wetherby, defendant dant Wetherby contends that plainand appellant. Appeal from the cir- tiff was not authorized to make him cult of Multnomah county. The Hon. a party to the suit. The tax deed, John B. Cleland, judge. Argued and upon its face, shows defendant to be submitted January 2, 1912. George's grantee and to have an interest in ness if we help our patrons.

The owner of the equity of redemption is frequently a grantee, either directly or remotely, from the This is a suit to forecfose a mort- mortgagor, and such grantee, as long gage on the north half of southwest as he retains an interest in the premquarter of section 12, township ises, is a necessary party to foreplaintiff on July 3, 1904, to secure a joined. 9 Enc. of Pleading and swer of said defendant amounts to note for \$465. From a decree in favor Practice, 305. All persons interested no more than a legal conclusion, in the mortgaged premises should be Neither is there any allegation of Plaintiff alleges in addition to the made parties, otherwise they would ownership of the property at the usual form as to the mortgage, that be entitled to redeem. Landon v. time of the assessment. The facts

hereby declared to be a lien on such taxes subsequent to the date of plain-Defendant Wetherby answered sep- property from and including the day tiff's mortgage, (Middlton v. Moore, recommeended that an elevator be even though there is no change, the

thereon for the year 1904, amounting foreclosure of liens upon real prop- proceedings, including the sale. This, ranged that the police court would believes that every merchant and to \$5.08, and issued a certificate erty, requires that any one having a hoewver, may be overcome by proof have more room than at present. therefor; that on the 29th day of De- lien subsequent to the plaintiff upon to the contrary. Bretano v. Bretano, cember, 1908, said sheriff executed a the same property shall be made a 41 Or. 15, 19, tax deed of said real property to this defendant in the suit, and any per- A careful examination of the evidefendant, which was duly recorded; son having a prior lien may be made dence herein leads us to believe that erty streets was passed. that defendant is the owner in fee defendant at the option of the plain- the finding of the trial court, to the Resolutions directing the installing simple of the land, and prays that he tiff, or by order of the court when effect that the tax deed of defendant of arc lights at Nineteenth and D in their license that every other be declared such owner, and entitled deemed necessary. If it be conceded was void, is correct. It is shown by streets; on Cottage between Union business should also be taxed. The

ssuance of any valid certificate of Plaintiff contends that the facts in and the amount the same sold for. sale for such taxes, or the execution defendant Wetherby's answer were Sec. 3118, B. & C. Comp., then in the Portland, Railway, Light & Powthe sheriff, and alleging that the defendant to the land, for the reason collection of delinquent taxes must city, because it had failed to place same were void for the reason, among that said defendant did not allege be executed and returned in like underground conduits in connecting the saloon license ordinance passed others, that the sheriff failed to make that there was any tax levied upon manner as an execution against the posts on Wilson Avenue Park and last night. a return of the sale of said property the property for the year 1904, or property. The requisite steps to be his action was sustained by the counor the year 1904, as required by any warrant issued for the collectaken under this statute are plainly cil.

"OUR PERSOMAL GUARANTEE TO ALL SKIN SUFFERS."

town for some time and we are look- judge,

White, his wife, Burt Brown Barker, return. The note and mortgage of we stand back of it with the manu- seem to be permanent. facturer's iron clad guarantee,

> well known skin remedies. But we you applied this D. D. D. will say this: If you are suffering We have made fast friends of more tax measure passes the council next from any kind of skin trouble, ecze- than one family by recommending Monday evening that the mayor will ma, psoriasis, rash or tetter, we this remedy to a skin sufferer here want you to try a full size bottle of and there and we want you to try it D. D. D. Prescription. And, if it now on our positive no-pay guarandoes not do the work, this bottle will tee. J. C. Perry, Pruggist.

usually contained in such certificate subject along the

amounting to \$5.40; that each of the be a grantee of the premises, subse- erby that in a suit to foreclose a subject which was not before the of the license. He expressed himdefendants have, or claim to have quent to the giving of the mortgage, the court has no jurisdic- house. some right to, interest in, or lien which complies with the rule in 9 tion to determine an alleged title,

that this defendant was not regular-the evidence that an unsigned mem- and North Mill creek; on the corner Plaintiff demurred to the new mat- ly made a party to the suit, he orandum was made in the sheriff's of High and Miller; on Twenty-city's indebtedness, and he feels that section described, to this defendant, passed, deed executed thereon were wholly the sheriff, and that the separate an- Ayers v. Lund, 49 Or. 303, 308, and City Attorney Page and finding no we need only to refer to the same, opposition from the council, Mayor The decree of the lower court is Lachmund approved a bill for the therefore affirmed.

> The Danger of La Grippe is its fatal tendency to pneumonia. To cure your la grippe coughs take Fogot some at once. I was re-Pharmacy (H. Jerman).

We have been in business in this cost you nothing. You alone to fore the council at its next meeting

Again and again we have seen how a few drops of this simple wash ap-So when we tell you that we have plied to the skin, takes away the

D. D. prescription made by the signed the ordinance or if he would backed by ourselves, you can depend D. D. D. Laboratories of Chicago, is indicate just when he would sign it, upon it that we give our advice not composed of thymol, glycerine, oil of he continued to remain non-commitin order to sell a few bottles of med- wintergreen and other healing, sooth- tal save to say that he had not icine to skin sufferers, but because ing, cooling ingredients. And if you signed it yet. This fact, together we know how it will help our busi- are just crazy with itch, you will with the further fact that the mayfeel soothed and cooled, the itch ab- or's views on the occupation tax and We keep in stock and sell, all the solutely washed away the moment which are public, serve to strengthen

CITIZENS OBJECT.

(Continued from page one.)

Councilman Hill also talked on th sion by inquiring it there was any he was not certain whether he was

"Just a word or two,' said Fire they were here and that the questhe testimonial meeting yet, but the osition of so regulating them as to It is sufficient in regard to this mayor ignored him, and directed the get the most possible revenue from Committee Reports.

ported, making recommendations in of this there is a possibility of a favor of improving the city hall. It change in favor of the saloon men and favor of the latter. It recommended Routine Business.

The mayor disallowed the bill of

construction of a bridge in Rich-

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Others are imitations.

Wm. Manning was re-elected park Geo. Brown was named to succeed Geo. F. Rodgers as a member of the

C. Hallberg, and seemingly on an un-

A number of bids were submitted for lateral sewers in the city and referred to the sewer committee.

park board.

Chief of Police Hamilton submitted a bid from the Salem Iron works for the construction of two cells in the city jail and it was referred to the public building committee.

Councilman Rigdon was appointed as a committee of one to ascertain just how the chief of police was progressing in serving assessment notices for the Union street sewer.

The committee on the mayor's messcage reported, referring that portion of it relating to water and water power to a committee of five to be appointed by the mayor; that portion relating to health and police to the police committee; that portion relating to underground wires to the street committee; that portion relating to bridges to the bridge committee; that portion relating to fire protection to the fire committee; that portion relating to the regulation of telephone companies to the ordinance committee and that relating to the regulation of the quality and price of gas to the light committee. The mayor appointed on the water Councilmen Rigdon, Brown, Pemberton, Jones and Sieg-

It was reported that the militia company by the use of streamer lights in the armory was bringing the light bill up to \$50, while it paid a rent of but \$20 a month and a motion was made directing a representative of the company to appear beand explain.

MAY VETO ORDINANCE.

(Continued from page 1.)

the belief that unless the occupation veto the saloon ordinance.

Can Not Override Veto.

Should the mayor veto the measure, then those favoring a higher license would not be able to muster enough votes to override it as the vote last night stood 9 to 5. Certain it is that none of the five will change and there is a possibility that one or two of those voting in the affidms self as opposed to saloons but that himself in favor of a lower license The public building committee re- but voted in the affirmative In view

the council at its next meeting. He trader in the city is receiving benefits from the saloon men as through A resolution directing the installa- a tax they pay for police protection tages enjoyed by all. He is inclined to think that if a raise is to be made purpose of the raise is to pay off the should give a helping hand-not the saloon men alone. In view of this, occupation tax, the mayor will veto

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Novelty Portieres in artistic colorings and beautiful designs.

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\$2.00 Men's Flannel Shirts. now. , \$1.25 \$5.00 Ladies' Fur Sets Wrappers, \$1.00, \$1.25, \$1.50 and up. Nightgowns, 50c, 75c, \$1.00, \$1.25, to \$2.00.

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ley's Honey and Tar Compound. R.E. HORLICK'S was troubled with a severe attack of la grippe and nothing I used did me any good and I was threatened with pneumonia. A friend advised me to use Foley's Honey and Tar Compound lieved from the very first. By the time I had taken three bottles my la grippe was gone. I believe Foley's Honey and Tar Compound to be the best medicine I ever used and always keep a bottle with me." Red Cross

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